THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:8388 of 2005

DATED:06-08-2007

BETWEEN:

Challa Siva Prasad.

..... PETITIONER

AND

The Superintendent of Police,
Ananthapur District & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in harassing and infringing the fundamental rights of the petitioner by interfering in the civil disputes between the petitioner's wife, 4th respondent, and his brother without any authority of law and jurisdiction, as illegal and arbitrary.

3. It is the case of the petitioner that his wife has indebted certain amounts to the brother of the 4th respondent who filed O.S.122 of 2004 on the file of the Additional Senior Civil Judge, Ananthapur for recovery of money and pending disposal of the said suit 4th respondent with the help of the 2nd respondent has been taking coercive steps for collection of the said amount.

4. If any such steps are taken by the 2nd respondent-Deputy Superintendent of police, Ananthapur, as well as the 3rd respondent-Sub-Inspector of Police, II Town Police Station, Ananthapur, I am of the opinion that the petitioner could have made a representation/complaint against their illegal action before the 1st respondent-Superintendent of police, but without making

any representation, no writ of mandamus can be issued.

5. Having regard to the facts and circumstances, Writ Petition is dismissed with a liberty to the petitioner to make a complaint/representation before the 1st respondent if the said illegal action is being continued by the respondents. No order as to costs.

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V.ESWARAIAH,J

06th August, 2007.
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